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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,699	12/14/1999	STELLIOS J. PATSIOKAS	XM-0025	4157

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EXAMINER	
MILORD, MARCEAU	

ART UNIT	PAPER NUMBER
2682	16

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/461,699	PATSIOKAS, STELLIOS J.	
	Examiner	Art Unit	
	Marceau Milord	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-14,16 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-14,16 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 9-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US Patent No 5857156) in view of McMullan, Jr et al (US Patent No 5654746).

Regarding claims 1 and 11, Anderson discloses a system for distributing program content (fig. 1; col. 1, line 50- col. 2, line 48) comprising: first means (remote device 24, 30, 36 of fig. 1) for transmitting said program content and data relating thereto using a first network (col. 3, lines 32- 44), said first means being a satellite digital audio service transmitter; said second means (38 of fig. 1) being a satellite digital audio service receiver (col. 3, lines 50- 54; col. 3, lines 53- 67; col. 4, lines 1- 49).

However, Anderson does not specifically disclose the features of a second means a satellite digital audio service receiver; third means for receiving user input while a selection of

said program content is being output by said receiver; and fourth means for storing data relating to said selection in response to said user input.

On the other hand, McMullan, from the same field of endeavor, discloses a communication system for the delivery of digital data programs to a remote location, which includes a transmitter for transmitting a signal having the digital data programs and a communication terminal located at the remote location. The communication terminal includes a control circuit including authorizing circuitry responsive to authorization data for authorizing the communication terminal to access authorized ones of the digital programs in one of a first and a second authorization mode (col. 2, lines 8-54). Furthermore, McMullan shows in figure 1, a centralized source of game and digital music material that provides game data, which encoded, multiplexed and transmitted via satellite to a cable television service provider. At the cable television service provider, the digital music is received, having been modulated with other frequency division multiplexed services to be received at the digital music tuner device at a subscriber's home (col. 3, line 47- col. 4, line 63; col. 5, line 17- col. 6, line 60; col. 10, lines 32-66; col. 11, line 20- col. 12, line 50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of McMullan to the communication system of Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

Regarding claim 2, Anderson as modified discloses a system for distributing program content (fig. 1; col. 1, line 50- col. 2, line 48) further including fifth means (44 of fig. 1),

responsive to said stored data, for retrieving said program content or information relating thereto from a second network (col. 3, line 50- col. 4, line 30).

Regarding claims 3- 5, 14, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48) wherein said fourth means (fig. 3) includes a removable electronic storage medium, and a second network is the Internet or World Wide Web (col. 4, lines 1- 30; col. 6, lines 13- 60).

Regarding claims 6- 7, Anderson as modified discloses a system for program content (fig. 1; col. 1, line 50- col. 2, line 18) includes a plurality of music selections; and a second means includes means for playing said music selections as they are received from said first means (col. 2, lines 22- 48; col. 4, lines 37- 52).

Regarding claim 9, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48) wherein said third means includes a voice recognition system (col. 3, lines 40- 67).

Regarding claims 10 and 12, Anderson as modified discloses a system for distributing program content (fig. 1; col. 1, line 50- col. 2, line 48) wherein said fifth means includes a kiosk (50, 48, 34, 52 of fig. 1; and means for selectively displaying information relating to said data (col. 3, line 38- col. 4, line 30)

Regarding claim 13, Anderson discloses a system (fig. 1; col. 1, line 50- col. 2, line 48) comprising: a satellite radio transmitter (42 of fig. 1) for transmitting program content and data relating thereto; a receiver (38 of fig. 1) for receiving said program content and data relating thereto (col. 3, lines 40- 67); means (24, 30, 36 of fig. 1) for receiving user input (col. 3, lines 32- 44; col. 3, lines 50- 67; col. 9, lines 35- 49).

However, Anderson does not specifically disclose the features of a means including a voice recognition system for receiving user input; a removable electronic storage medium for storing said data in response to said user input; and a computer, responsive to said stored data, for retrieving said program content or information relating thereto from the Internet or World Wide Web.

On the other hand, McMullan, from the same field of endeavor, discloses a communication system for the delivery of digital data programs to a remote location, which includes a transmitter for transmitting a signal having the digital data programs and a communication terminal located at the remote location. The communication terminal includes a control circuit including authorizing circuitry responsive to authorization data for authorizing the communication terminal to access authorized ones of the digital programs in one of a first and a second authorization mode (col. 2, lines 8-54). Furthermore, McMullan shows in figure 1, a centralized source of game and digital music material that provides game data, which encoded, multiplexed and transmitted via satellite to a cable television service provider. At the cable television service provider, the digital music is received, having been modulated with other frequency division multiplexed services to be received at the digital music tuner device at a subscriber's home (col. 3, line 47- col. 4, line 63; col. 5, line 17- col. 6, line 60; col. 10, lines 32-66; col. 11, line 20- col. 12, line 50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of McMullan to the communication system of Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

Regarding claim 16, Anderson discloses a system (fig. 1; cot. 1, line 50- cot. 2, line 48) comprising: first means (remote device 24, 30, 36 of fig. 1) for transmitting program content and data relating thereto using a first network (col. 3, lines 32- 44), said first network being a wireless network; second means (38 of fig. 1) for receiving program content and data relating thereto (cot. 3, lines 50- 54); third means (30 and 36 of fig. 1) for receiving user input; fourth means (38 and 40 of fig. 1) for storing a signal (cot. 3, lines 53- 67; col. 4, lines 1- 49)

However, Anderson does not specifically disclose the features of a means for storing said data in response to said user input; and a means for selectively disabling said means in response to a nonrecord-ability signal.

On the other hand, McMullan, from the same field of endeavor, discloses a communication system for the delivery of digital data programs to a remote location, which includes a transmitter for transmitting a signal having the digital data programs and a communication terminal located at the remote location. The communication terminal includes a control circuit including authorizing circuitry responsive to authorization data for authorizing the communication terminal to access authorized ones of the digital programs in one of a first and a second authorization mode (col. 2, lines 8-54). Furthermore, McMullan shows in figure 1, a centralized source of game and digital music material that provides game data, which encoded, multiplexed and transmitted via satellite to a cable television service provider. At the cable television service provider, the digital music is received, having been modulated with other frequency division multiplexed services to be received at the digital music tuner device at a subscriber's home (col. 3, line 47- col. 4, line 63; col. 5, line 17- col. 6, line 60; col. 10, lines 32-66; col. 11, line 20- col. 12, line 50). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to apply the technique of McMullan to the communication system of Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

Regarding claim 17, Anderson discloses a method for recording data (fig. 1; col. 1, line 50- col. 2, line 48) including the steps of: transmitting program content and associated data (remote device 24, 30, 36 of fig. I) using a first network (col. 3, lines 32- 44), said first network being a wireless network including a satellite digital audio service transmitter; receiving (38 of fig. 1) said content and associated data (col. 3, lines 50- 54; col. 3, lines 53- 67; col. 4, lines 1- 49)

However, Anderson does not specifically disclose the features of a first network being a wireless network including a satellite digital audio service transmitter; receiving said content and associated data with a satellite digital audio service receiver receiving user input while a selection of said program content is being output by said receiver; storing a signal identifying said data in response to said user input; and retrieving said program content or information relating thereto from a second network in response to said stored signal.

On the other hand, McMullan, from the same field of endeavor, discloses a communication system for the delivery of digital data programs to a remote location, which includes a transmitter for transmitting a signal having the digital data programs and a communication terminal located at the remote location. The communication terminal includes a control circuit including authorizing circuitry responsive to authorization data for authorizing the communication terminal to access authorized ones of the digital programs in one of a first and a

second authorization mode (col. 2, lines 8-54). Furthermore, McMullan shows in figure 1, a centralized source of game and digital music material that provides game data, which encoded, multiplexed and transmitted via satellite to a cable television service provider. At the cable television service provider, the digital music is received, having been modulated with other frequency division multiplexed services to be received at the digital music tuner device at a subscriber's home (col. 3, line 47- col. 4, line 63; col. 5, line 17- col. 6, line 60; col. 10, lines 32-66; col. 11, line 20- col. 12, line 50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of McMullan to the communication system of Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7, 9-14, 16-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MARCEAU MILORD

Marceau Milord
Examiner
Art Unit 2682